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SUBJECT: RESPONSE TO DEMARCHE ON DISTRACTED DRIVING

REF: STATE 06703

¶1. Post delivered the demarche in Reftel to the Korean Ministry of Transport and Maritime Affairs According on February 3. Ministry officials agreed that texting while driving, talking on cell phones while driving, and watching television while driving are serious problems in the Republic of Korea (ROK). In response to our request for information, the Ministry provided data on the legal context, public awareness and education, research and studies and statistical data on accidents, injuries, and fatalities related to distracted driving.

#### Legal Context

¶2. No law or regulation specifically bans texting while driving in Korea. However, Provision 10 of Article 49 of the Road Traffic Act restricts the use of cell phones (including texting) while driving. An unofficial English translation of Provision 10 follows:

BEGIN TRANSLATION: No drivers shall use a cell phone while driving a motor vehicle. This restriction shall not apply in the following circumstances:

- (a) When the motor vehicle has come to a stop and is not moving;
- (b) When the vehicle being driven is an emergency motor vehicle;
- (c) When it is necessary to report without delay various kinds of crimes or any accident; and
- (d) When any device prescribed by Presidential Decree as not impeding the safe driving of any motor vehicle is being used. END TRANSLATION.

¶3. In October 2009, a District Court in Seoul invalidated a fine that police had issued to a taxi driver who had been caught driving while watching television via onboard satellite digital multimedia broadcasting (DMB). The fine was issued in accordance with a March 2008 Seoul City ordinance that bans the use of DMB television while operating a motor vehicle. The court ruled that the Seoul ordinance was invalid because a 1993 national law bans the government from making arbitrary amendment of rules on public transportation services.

¶4. In response to the October 2009 Seoul court ruling, National Assemblyman Gong Sung-jin of the ruling Grand National Party introduced a bill revising the Road Traffic Act that would ban the use of DMB television while operating a motor vehicle. Under the bill's provisions, violators would face a fine of up to 300,000 won (USD 260). The bill also mandates installation of software that would make it impossible for drivers to watch. The bill is still pending at the National Assembly. (Note: A similar bill introduced in 2005 was withdrawn after some National Assembly members claimed it would hinder Korean IT development.)

#### Public Awareness and Education

¶5. The ROKG has a Basic Plan for National Traffic Safety to enhance nationwide awareness of safe driving that includes awareness of the dangers of cell phone use. Since 2007, the Korea National Police Agency has coordinated with other relevant government agencies to carry out awareness campaigns discouraging the use of cell phone and watching television while driving. In addition to education on the dangers of distracted driving, the campaigns have also targeted pedestrian use of cell phone and portable video devices, especially while crossing streets.

#### Accidents, Injuries and Fatalities

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¶6. According to the Korea Road Traffic Authority, the following figures reflect the number of road accidents from 2005 to 2008 resulting from using cell phones while driving:

2005 - 235 accidents with 415 injuries and 6 deaths  
2006 - 192 accidents with 344 injuries and 6 deaths  
2007 - 201 accidents with 324 injuries and 3 deaths  
2008 - 200 accidents with 351 injuries and 2 deaths

#### Research and Studies

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¶7. The Traffic Science Research Center under the Korea Road Traffic Authority released a research paper in 2006 titled, "The Effects of Watching Television in Vehicle on Driver's Behavior". The report states that the rapid development in IT technology in Korea has led to increased television installation in motor vehicles. The report concluded that watching television while driving impairs a driver's

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cognitive and visual attention, which could result in road accidents.

¶8. Various think tanks have conducted surveys and research projects to provide data to inform officials in establishing regulatory standards and educational programs related to the use of cell phones and watching television while driving. A Samsung Traffic Safety Research Institute study conducted in 2009 concluded that talking on a cell phone decreased drivers' concentration by about 40 percent, and that watching DMB television decreased drivers' concentration by about 50 percent.

#### Prevalence of Cell Phone and DMB Television Use

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¶9. According to the Korea Communications Commission, at the end of 2009, cell phones were used by 47,944,222 people - 98.4 percent of Korea's total population.

¶10. According to the Korea Radio Promotion Association, more than 21 million DMB devices were sold in the first half of 2009, and 6 million of them were intended for motor vehicle installation. (Post note: Although the vehicular DMB devices are intended for passenger use in vehicles such as long distance buses, they are a common feature on the dashboard of Seoul taxis.)

STEPHENS